

SF1325 - 0 - Juvenile Release Board; Early Supervised Release

Chief Author: **Ron Latz**
 Committee: **Judiciary And Public Safety**
 Date Completed: **3/7/2023 4:49:14 PM**
 Lead Agency: **Corrections Dept**
 Other Agencies:
 Public Defense Board Sentencing Guidelines Comm
 Supreme Court

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact	X	

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Corrections Dept						
General Fund	-	(15)	(242)	(383)	(465)	
Public Defense Board						
General Fund	-	194	-	-	-	-
State Total						
General Fund	-	179	(242)	(383)	(465)	
Total	-	179	(242)	(383)	(465)	
Biennial Total			(63)			(848)

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Corrections Dept					
General Fund	-	(1.2)	(3.7)	(5.2)	(6.2)
Public Defense Board					
General Fund	-	-	-	-	-
Total	-	(1.2)	(3.7)	(5.2)	(6.2)

Lead LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

This fiscal note has been reviewed and meets the LBO requirements for compliance with the fiscal note Uniform Standards and Procedures. The Department of Corrections provided an estimate that includes significant fiscal impacts in years not shown on the State Cost (Savings) Table. Please review the Long-Term Fiscal Considerations sections of Corrections fiscal note and Minnesota Sentencing Guidelines Commissions fiscal note for additional decreases in prison beds in future fiscal years.

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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2	Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Corrections Dept					
General Fund	-	(15)	(242)	(383)	(465)
Public Defense Board					
General Fund	-	194	-	-	-
Total	-	179	(242)	(383)	(465)
Biennial Total			(63)		(848)
1 - Expenditures, Absorbed Costs*, Transfers Out*					
Corrections Dept					
General Fund	-	(15)	(242)	(383)	(465)
Public Defense Board					
General Fund	-	194	-	-	-
Total	-	179	(242)	(383)	(465)
Biennial Total			(63)		(848)
2 - Revenues, Transfers In*					
Corrections Dept					
General Fund	-	-	-	-	-
Public Defense Board					
General Fund	-	-	-	-	-
Total	-	-	-	-	-
Biennial Total			-		-

SF1325 - 0 - Juvenile Release Board; Early Supervised Release

Chief Author: **Ron Latz**
 Committee: **Judiciary And Public Safety**
 Date Completed: **3/7/2023 4:49:14 PM**
 Agency: **Corrections Dept**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact	X	

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	(15)	(242)	(383)	(465)	
Total	-	(15)	(242)	(383)	(465)	
Biennial Total			(257)		(848)	

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	(1.2)	(3.7)	(5.2)	(6.2)
Total	-	(1.2)	(3.7)	(5.2)	(6.2)

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

This fiscal note has been reviewed and meets the LBO requirements for compliance with the fiscal note Uniform Standards and Procedures. The Department of Corrections provided an estimate that includes significant fiscal impacts in years not shown on the State Cost (Savings) Table. Please review the Long-Term Fiscal Considerations sections of Corrections fiscal note and Minnesota Sentencing Guidelines Commissions fiscal note for additional decreases in prison beds in future fiscal years.

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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027	
General Fund	-	(15)	(242)	(383)	(465)	
Total	-	(15)	(242)	(383)	(465)	
			(257)		(848)	
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund	-	(15)	(242)	(383)	(465)	
Total	-	(15)	(242)	(383)	(465)	
			(257)		(848)	
2 - Revenues, Transfers In*						
General Fund	-	-	-	-	-	
Total	-	-	-	-	-	
			-		-	

Bill Description

S.F. 1325 establishes eligibility for releasing individuals sentenced to life in prison for crimes committed while under the age of 18, establishes eligibility for early supervised release for certain individuals sentenced for crimes committed while under the age of 18, and establishes a Juvenile Review Board.

Section 3 allows early supervised release for an individual after 15 years of imprisonment if they were under the age of 18 when they committed the offense.

Section 5 establishes the Juvenile Review Board, with the commissioner of corrections serving as one of seven board members. Under subdivision 5, the commissioner must provide office space and administrative services, but the board must reimburse the commissioner.

The board's main duty is to review eligible cases and grant supervised release to an individual who was under the age of 18 at the time of committing the offense.

The board must prepare a report, consult with victims, and hold a hearing when making determinations. At least 90 days before a supervised-release review hearing, the commissioner must notify the individual of the hearing's time and place.

Section 7 allows judicial review of the board's decisions.

The rest of the bill makes conforming changes.

Assumptions

The Department of Corrections assumes:

There are currently 40 people in prison who (1) were under age 18 at the time of the offense, and (2) have served 15 years or more in prison. Of the 40, there are 21 serving life sentences.

The Department's Hearing and Release Unit (HRU) would be responsible to conduct comprehensive reviews and prepare development reports. The work of the unit also includes victim notification, outreach and support in addition to appropriate community notification. A conservative estimate to fully complete a single review is approximately 105 hours, on average.

The HRU currently completes a similar review for individuals with life sentences with the possibility of parole. While the provisions of this bill may require those reviews be done sooner than they would currently be done, those cases are

excluded from the estimates for increase in workload.

The estimated annual cost, based on a review of 12 15 cases each year, and an average annual hourly salary of \$42 for the employees conducting the review, would be approximately \$53,000 - \$66,000. An average annual cost of \$60,000 is assumed. The note also includes the addition of a Management Analyst 3 FTE for the HRU to add capacity at a cost of \$100,000.

Section 5 establishes a Juvenile Review Board to grant supervised release to an inmate who was under 18 years of age at the time of the commission of the offense and is serving a mandatory life sentence; an executed sentence that includes a term of imprisonment of more than 15 years; or separate, consecutive executed sentences for two or more crimes that include combined terms of imprisonment that total more than 15 years. If the Board declines to provide release, then subsequent reviews would have to be held at least 6 months, but not more than 3 years, after the previous hearing.

The Board would consist of seven members: the commissioner or corrections or the commissioner's designee; the commissioner of human services or commissioner's designee; the commissioner of public safety or the commissioner's designee; the attorney general or the attorney general's designee; and three at large members with expertise in the neurodevelopment of youth, appointed by the governor.

Members of the board would be compensated in accordance with Minnesota Statutes 15.075. It is assumed that state agencies' commissioners and the attorney general, or their designees, would assume responsibilities of the Board as part of their current positions; therefore, only the three members appointed by the governor would be compensated at a rate of \$55 per day spent on board activities under Minnesota Statutes 15.075. All members would be eligible for reimbursement of business expenses in the same manner and amount as authorized by the commissioner's plan.

The estimated amount of compensation for board members would be \$1,320 each year (3 members x 8 days x \$55 per day). The estimated amount to reimburse members for business expenses would be \$2,800 each year (7 members x \$400 per year).

Under this bill, the Commissioner of Corrections would be required to provide administrative services and office space for board activities. It is assumed board meetings may be held virtually. The estimated annual cost would be approximately \$15,000.

The bill would have an impact to prison beds and supervision caseloads. The impact on supervision caseloads cannot be determined without further information and analysis, so the impact is not included in this fiscal note.

Prison bed costs are based on a marginal cost per diem of \$42.50 for FY2024, \$48.55 for FY2025, \$50.67 for FY2026 and \$50.58 for FY2027 and each subsequent year. This includes marginal costs for all facility, private and public bed rental, health care and support costs.

The annual cost is estimated by multiplying the number of prison beds needed by the subsequent annual per diem. Unless otherwise noted, prison beds are phased in on a quarterly basis.

Prison bed FTE impact for the increase in the offender population assumes 80 percent of the ongoing bed impact is personnel-related and the average salary per FTE is \$72,000 per year including benefits.

The Minnesota Sentencing Guidelines Commission assumes:

The Juvenile Release Board will grant supervised release of a life-sentence at a rate of about 1 per 7 cases reviewed based on DOC's annual report over the past 6 years resulting in a release within the first 7 years of eligibility. This would result in a 19-year incarceration period, on average.

Based on this, the number of beds avoided in fiscal years 2024-27 would be 20, 26, 33, and 36, respectively. See Minnesota Sentencing Guidelines Commission's fiscal note for complete breakdown.

Expenditure and/or Revenue Formula

Administrative Costs Excluding Prison Beds (000s)

Fiscal Year	2024	2025	2026	2027
Comprehensive Reviews/Development Reports	60	60	60	60
Board Member Compensation	1	1	1	1
Board Member Business Expenses	3	3	3	3
Administrative Services and Office Space	15	15	15	15
Management Analyst 3	100	100	100	100
Total	179	179	179	179

Cost of Prison Beds (000s)

Fiscal Year	2024	2025	2026	2027
Number of Prison Beds	-20	-26	-33	-36
Cost of Prison Beds (in 000s)	-194	-421	-562	-644
FTE	-2.2	-4.7	-6.2	-7.2

Long-Term Fiscal Considerations

Based on the assumptions by MSGC, total prison beds avoided will be 23 by 2053 and every year thereafter.

Local Fiscal Impact

The cost to local units of government is expected to be minimal.

References/Sources

Department of Corrections Staff

Minnesota Sentencing Guidelines Commission

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SF1325 - 0 - Juvenile Release Board; Early Supervised Release

Chief Author: **Ron Latz**
 Committee: **Judiciary And Public Safety**
 Date Completed: **3/7/2023 4:49:14 PM**
 Agency: **Public Defense Board**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	194	-	-	-	-
Total	-	194	-	-	-	-
Biennial Total			194			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	-	-	-
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 3/7/2023 12:53:39 PM
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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

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State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027	
General Fund	-	194	-	-	-	-
Total	-	194	-	-	-	-
Biennial Total			194			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund	-	194	-	-	-	-
Total	-	194	-	-	-	-
Biennial Total			194			-
2 - Revenues, Transfers In*						
General Fund	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

The bill provides for eligibility of release for individuals sentenced to life in prison or aggregate consecutive sentences that exceed 15 years for the term of imprisonment who committed the crime as a juvenile (under the age of 18).

Section 1: adds exception for new provision 4a to Minn. Stat. § 244.05, subd. 1b.

Section 2: adds provisions to Minn. Stat. § 244.05, subd. 4 (e) & (f) that a person who committed the crime as a juvenile and sentenced to a mandatory life sentence must serve 15 years before being eligible for supervised release. This includes both murder 1 convictions and life sentences for engrained/heinous crime convictions. (§ 609.185, § 609.106, subd. 2, or § 609.3455, subd. 2(c)).

Section 3: Amends § 244.05, by adding subd. 4a establishing supervised release eligibility for persons under age 18 at the time of the offense if term of imprisonment is more than 15 years or separate consecutive sentences for two or more crimes total more than 15 years. Minimum term to serve is 15 years.

Section 4: amends §244.05, subd. 5, to reference the newly established Juvenile Review Board in § 244.0515.

Section 5: established the Juvenile Review Board to review eligibility for early supervised release of persons who were juveniles at the time of the offense serving life sentences or sentences more than 15 years and who have served the minimum 15 years of imprisonment. Sets out members of Board, duties, notice and hearing, criteria for release determination, and subsequent review hearings.

***Note Subd. 8 includes appointment of counsel.

Section 6: amends § 244.101, subd. 1, regarding executed sentences to add conforming provision excepting out §244.05, subd. 4a.

Section 7: provides appellate review by Court of Appeals of administrative decision of Juvenile Review Board.
 **Note: assume right to counsel applies here?

Sections 8 & 9: Amends § 609.106 (Life without parole) to add conforming provision and adding Subd. 3 to provide life sentence for person under age 18 at time of offense.

Section 10: amends § 609.3455, subd. 2, (Egregious first-time offenders and repeat offenders) to add conforming provision and adds (c) to provide for a life sentence for a person under age 18 at time of the offense.

Section 11: Amends § 609.3455 to add subd. 5 to provide for minimum term of imprisonment is 15 years for such persons

under the age of 18.

Section 12: effective date is day after final enactment and provides for retroactive application.

Assumptions

According to MSGC data between 1993 and 2021 there were 43 non-life sentence cases in which the offender was under age 18, and was sentenced to more than 19 years in prison. Nine of these individuals will have served at least 19 years by 12/31/2023 and so would have no retroactive impact. It is assumed that if the remaining 34 individuals were sentenced evenly throughout the years 1993-2021 there would be approximately 17 individuals who would be eligible for review.

would be eligible for review of their release under the bill. Including both the life sentences and non-life sentences there would be 29 cases that would need to be reviewed for possible release.

Expenditure and/or Revenue Formula

An appellate attorney would be expected to handle approximately 20-22 cases. With 29 additional retroactive cases for review there would be a need to contract for the equivalent of 1.50 attorneys (or 2,580 hours of attorney time) to review the files and represent individuals in the sentence review process. This would be a one time expense. The additional cases going forward could be absorbed. Based on the criteria and conditions that would need to be presented to the Juvenile Release Board for early release, there would also be a need for a or dispositional advisor mitigation specialist to assist the attorneys in these reviews. This could be absorbed by the current staff of dispositional advisors in the district offices.

The contract attorneys (2,580) at \$75 per hour would be \$194,000.

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

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SF1325 - 0 - Juvenile Release Board; Early Supervised Release

Chief Author: **Ron Latz**
 Committee: **Judiciary And Public Safety**
 Date Completed: **3/7/2023 4:49:14 PM**
 Agency: **Sentencing Guidelines Comm**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact	X	

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State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 3/7/2023 12:56:12 PM
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State Cost (Savings) Calculation Details

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State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

Sections 1, 2, 3, 6, and 11 qualify an offender for supervised release after having served 15 years of imprisonment if the offense was committed when under age 18 and the offender is serving a life sentence for an enumerated offense or is serving a sentence, or sentences, with a net term of imprisonment of 15 years or longer.

Sections 8, 9, and 10 provide that, in cases where the law would otherwise require a sentence of life without the possibility of release (LWOR), the court shall instead impose a sentence of life imprisonment upon a defendant who committed the offense when under age 18.

These sections are effective the day after enactment, and apply retroactively.

Sections 4, 5, and 7 establish a Juvenile Release Board (JRB) authorized to grant supervised release to an inmate who was under 18 years of age at the time of the offense and is serving a mandatory life sentence or an executed sentence, or sentences, with a net term of imprisonment of more than 15 years.

These sections are effective July 1, 2023.

Assumptions

It is assumed that the bill does not apply to life sentences mandated by Minn. Stat. § 609.2661.

Based on *Miller v. Alabama* (no mandatory LWOR for juveniles), *Montgomery v. Louisiana* (*Miller* is retroactive), and *Jackson vs. State* (30-year sentence required in *Miller/Montgomery* case), it is assumed that no juvenile is currently serving LWOR in Minnesota. It is assumed that inmates who are currently serving life sentences and have served at least 30 years (incarcerated before 1993) have already received review for release eligibility and were denied; therefore, at least two inmates are excluded and will not benefit from this bill.

Offenses for which a life sentence is mandated by statute are excluded from the Guidelines. Beginning in 2006, first-degree murder offenses were included in MSGC’s Monitoring data. Previously, only attempted first-degree murder and conspiracy to commit first-degree murder had been included. It was decided to include first-degree murder in the Commission’s data following the Legislature’s creation of life sentences for some sex offenses in 2005.

According to MSGC Monitoring data, from 2006 to 2021, there were 16 life-sentence cases committed by offenders under age 18 at the time of their offenses. According to data obtained from Minn. Department of Corrections, from 1993 to 2006, there were 14 life-sentence cases committed by offenders under age 18 at the time of their offenses; for a total of 30 cases (an average 1 life-sentence case per year). It is assumed that, under this bill, these cases would be eligible for review after 15 years instead of after 30 years.

It is assumed that the JRB will not grant supervised release at each offender’s first eligibility date (after having served 15 years of the sentence). The rate at which the JRB will grant supervised release is not known. According to the DOC’s

annual report, in each of the past six years, the Commissioner of Corrections has granted parole in approximately one life-sentence case per seven cases reviewed. It is assumed that the JRB may grant supervised release at a somewhat similar rate, so that the typical offender will be released within the first seven years of eligibility, between 15 and 22 years of the sentence. On average, then, it is assumed that the JRB will release an offender near the midpoint of this time, after having served 19 years of the sentence.

According to MSGC Monitoring data, from 1993 to 2021, there were 43 non-life sentence cases (an average 2.5 cases per year) in which the offender was under age 18 at the time of the offense, did not receive a life sentence, and was sentenced to a net term of imprisonment of more than 19 years. It is assumed that, under this bill, these offenders will be eligible for early supervised release after having served 19 years.

Retroactive Impact from Life Sentences: Based on a 19-year typical eligibility date, 12 cases (40%) of the 30 life-sentence cases will be eligible for review by December 31, 2023.

Retroactive Impact from Non-Life Sentences: Based on a typical net term of imprisonment of 19 years, nine non-life sentence cases (21%) of 43 will have already served at least 19 years in prison by December 31, 2023. It is assumed that these offenders will have no retroactive impact. It is estimated that the 34 remaining cases (43-9=34) will be released after serving 19 years in prison.

Future Impact from Non-Life Sentences: According to MSGC Monitoring data, there is an average 2.5 cases sentenced each year in which the offender is under age 18 at the time of the offense and their net term of imprisonment is typically 19 years as a result of a non-life sentence. According to MSGC Monitoring data, in 2020, there were two non-life cases committed by offenders under age 18. For purposes of this fiscal note, it is assumed that these two cases from 2020 are representative of cases in future years.

Future Impact from Life Sentences: According to MSGC Monitoring data, in 2020, there was one life sentence case committed by an offender under age 18. For purposes of this fiscal note, it is assumed that this case from 2020 is representative of cases in future years. Under the bill, each future case will be eligible for JRB release review 15 years earlier than it would have been eligible for release review by the Commissioner of Corrections; thus, it is assumed that each future life-sentence case will result in release 15 years earlier if the bill is enacted.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Based on the above assumptions, the eventual number of total prison beds avoided is 23 beds by 2053 and every year after. The estimated timing for the beds is displayed in Table 1.

Table 1. Timing of Prison-Bed Impact

Fiscal Year	Future Life Sentences Beds Avoided	Future Non-Life Sentences Beds Avoided	Past Life Sentences Released Retroactively Beds Avoided	Past Non-Life Sentences Released Retroactively Beds Avoided	Total Beds Avoided
2024	0	0	-14	-6	-20
2025	0	0	-17	-9	-26
2026	0	0	-20	-13	-33
2027	0	0	-22	-14	-36
2028	0	0	-24	-12	-36
2029	0	0	-25	-12	-37
2030	0	0	-26	-13	-39
2031	0	0	-27	-13	-40
2032	0	0	-27	-11	-38

2033	0	0	-28	-11	-39
2034	0	0	-28	-9	-37
2035	0	0	-15	-7	-22
2036	0	0	-12	-5	-17
2037	0	0	-9	-3	-12
2038	0	0	-7	-4	-11
2039	-1	0	-6	-4	-11
2040	-2	0	-5	-3	-10
2041	-3	0	-4	-2	-9
2042	-4	0	-3	-2	-9
2043	-5	-2	-3	-2	-12
2044	-6	-3	-2	-2	-13
2045	-7	-4	-2	0	-13
2046	-8	-5	-1	0	-14
2047	-9	-6	-1	0	-16
2048	-10	-7	-1	0	-18
2049	-11	-8	-1	0	-20
2050	-12	-8	0	0	-20
2051	-13	-8	0	0	-21
2052	-14	-8	0	0	-22
2053	-15	-8	0	0	-23

Local Fiscal Impact

The extent of any local impact has not been estimated by MSGC.

References/Sources

Minn. Department of Corrections data, 1993 to 2005.

Minn. Department of Corrections 2022 Performance Report, p. 25.

MSGC Monitoring data, 2006 to 2021.

Miller v. Alabama, 567 U.S. 460 (2012).

Montgomery v. Louisiana, 577 U.S. 190 (2016).

Jackson v. State, 833 N.W. 2d 272 (2016).

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SF1325 - 0 - Juvenile Release Board; Early Supervised Release

Chief Author: **Ron Latz**
 Committee: **Judiciary And Public Safety**
 Date Completed: **3/7/2023 4:49:14 PM**
 Agency: **Supreme Court**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 3/7/2023 11:13:29 AM
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State Cost (Savings) Calculation Details

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*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

This bill adds a new subdivision 4a to Minn. Stat. § 244.05 (Supervised Release Term), which provides that any person who was under 18 at the time of commission of the offense is eligible for early supervised release if the person is serving an executed sentence that includes a term of imprisonment of more than 15 years or separate, consecutive executed sentences for 2 or more crimes that include combined terms of imprisonment that total more than 15 years; and that an eligible person must be considered for early supervised release after serving 15 years. The bill makes conforming amendments to Minn. Stat. § 244.05, subd. 1b, to recognize the exception in subdivision 4a; and amends Minn. Stat. § 244.05, subd. 4 (Minimum imprisonment, life sentence), to specify which offenses and inmates are and are not eligible for supervised release under section 244.05 and under what circumstances.

The bill adds a new section 244.0515, Juvenile Review Board, which creates the board and authorizes it to grant supervised release to inmates who were under 18 at the time of commission of the offense. At subdivision 4, paragraph (c), the bill provides that where an inmate is serving multiple concurrent sentences, the board must grant or deny supervised release on all sentences, and that where an inmate is serving multiple consecutive sentences, the court may grant or deny supervised release on one or more sentences. The bill requires the commissioner of corrections to provide office space and administrative services for the board.

The bill provides that findings and orders issued by the board may be reviewed by the court of appeals.

The bill makes other conforming amendments in sections 244.05 at subdivision 5 (Supervised release, life sentence, 244.101 (Executed sentences), 480A.06 (Administrative review); and amends sections 609.106 (Heinous crimes, life sentences), and 609.3455 (Dangerous sex offenders, life sentences) to impose life sentences for offenders under 18 at the time of the offense rather than life without the possibility of release.

The provisions in the bill that modify the sentence that applies to certain offenses is effective the day following enactment and applies retroactively.

Assumptions

It is assumed that the provision in section 244.0515, subdivision 4(c) that references the court is a drafting error and that rather than the court, the provision intends to refer to the board as the entity responsible for all decisions under section 244.0515. There are no other provisions in section 244.0515 that govern the district court or grant it any new or additional authority or responsibility.

It is assumed that the provisions of this bill may require the court to resentence certain offenders. A query of the judicial branch case management system identified 97 offenders who were sentenced to commitments to the commissioner of corrections for at least 15 years or to life for offenses committed when the offender was under 18 years of age. Regarding the retroactive application of the sentencing provisions, given the relatively low number of cases impacted by the bill that

may need to be reviewed by a judge and/or resentenced, and because this is only a one-time impact, the provisions of this bill are not anticipated to require additional judges or district court staff.

It is assumed there may be additional appeal filings as a result of the provisions of this bill. However, it is assumed the number of appeals would be relatively low, perhaps 5-10 % of the 97 cases that may be eligible for supervised release by the board. Thus it is assumed that the number of appeals that may be filed would not significantly impact the work of the appellate courts or require additional appellate court judges or staff.

"Times New Roman";mso-ansi-language:EN-US;mso-fareast-language:EN-US;
mso-bidi-language:AR-SA'>Additionally, because the bill creates no new criminal offenses and only impacts the sentence that may be imposed for a limited number of offenders, it is assumed the bill will not impact case filings or significantly impact the work of the district courts or require additional judges or court staff in the future.

Expenditure and/or Revenue Formula

The bill is not anticipated to have a significant fiscal impact on the judicial branch.

Long-Term Fiscal Considerations

None

Local Fiscal Impact

None

References/Sources

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